



GOVERNMENT OF KARNATAKA

No. ED 137DTE 2020

Karnataka Government Secretariat,
M.S.Building,
Bengaluru, dated: 29.01.2021.

NOTIFICATION

Whereas the draft of the Karnataka Civil Services (Regulation of transfer of Teaching Staff of Department of Technical Education) Rules, 2020 was published as required by clause (a) sub-section (2) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), in Notification NO. ED 137 DTE 2020, dated: 17.11.2020 in part IVA of the Karnataka Gazette Extraordinary No. 552 dated: 17.11.2020 inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of its publication in the official Gazette.,

And whereas the said Gazette was made available to public on 17.11.2020.

And whereas the objections and suggestions received in this behalf have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka hereby make the following Rules, namely:-

RULES

- 1. Title,application and commencement.** – (1) These Rules may be called The Karnataka State Civil Services (Regulation of Transfer of Teaching Staff of Department of Technical Education) Rules, 2021.
- (2) The provisions of this Rule shall be applicable to teaching staff of the Department of Technical Education as specified in the Schedule.
- (3) They shall come into force from the date of their publication in the official Gazette.

2.Definitions- (1) In these Rules, unless the context otherwise requires,

(a) "Actual working" means working of teaching staff at the place where his/her daily attendance is recorded;

(b) "Appointment" means appointment by direct recruitment, by absorption or by promotion;

(c) "Appointing Authority" means authority competent to make appointment to any teaching staff in the Karnataka Education Department Service (Technical Education Department);

(d) "Competent Authority" means the Commissioner of Collegiate and Technical Education who is competent to transfer under these Rules;

(e) "Counselling" means process of computerized counselling by giving opportunity to a person considered for appointment or transfer to opt for a place or post available as per these Rules;

(f) "Government" means the Government of Karnataka;

(g) "Government College" means all Colleges belonging to the State Government that includes Government Engineering Colleges, Government Polytechnic's and Government Junior Technical Schools and all other Government Colleges which comes under the purview of the Department of Technical Education.

(h) "Lien" has the same meaning as defined in Karnataka Civil Services Rules, 1958;

(i) "Person with benchmark disability" means person with benchmark disability as defined in the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) and Rules issued there under;

(j) "Proforma" means the form specified by the Competent Authority;

(k) "Regular Posting" means place of posting of teaching staff where the lien of the teaching staff lies;

(l) "Schedule" means Schedule appended to these Rules;

(m) "Serious ailments" means, -

(i) List of diseases as notified by the Government in case of an employee;

(ii) List of diseases as notified by the Government in case of an employee's spouse and children.

(n) "Spouse case" means a case where spouse of the teaching staff who is an employee of State or Central Government or Nationalized Banks or Government owned Public Sector Undertaking or Enterprise or Corporation or Board or Aided Employee of Government Aided Private Educational Institutions or State University;

(o) "Sufficient Workload" means the workload specified as sufficient by the Competent Authority;

(p) "Teaching Staff" means those employees enumerated in Schedule appended to these Rules;

(q) "Transfer" means posting of a teaching staff from one office or Government Engineering College or Government Polytechnic or Government Junior Technical Schools where he/she is having regular posting to another office or Government Engineering College or Government Polytechnic or Government Junior Technical Schools of Department of Technical Education through counselling;

(r) "Workload" means the subject wise workload on the basis of student strength of previous academic year.

(s) "Zone" means the specific areas classified as Zone for the purpose of appointment or transfer of teaching staff and includes-

(i) "Zone-A" means area within the limits of the Bruhat Bengaluru MahanagaraPalike.

(ii) "Zone-B" means all areas within the limits of the Bangalore Development Authority and areas falling within the limits of City Corporations constituted under The Karnataka Municipal Corporations Act 1976 (Karnataka Act 14 of 1977), excluding the areas falling under Zone-A.

(iii) "Zone-C" means all District Head Quarters and all City Municipal Councils constituted under The Karnataka Municipal Corporations Act 1976 (Karnataka Act 14 of 1977) excluding the area falling under Zone-A and Zone-B;

(iv) "Zone-D" means all other areas excluding those falling under Zone-A, Zone-B and Zone-C.

2) Words and expressions used, but not defined in these Rules shall have the same meaning assigned to them in the Karnataka State Civil Service (General Recruitment) Rules, 1977.

3. Shifting of Posts. -(1) If sufficient workload is not available for teaching staff in any Government Engineering College or Government Polytechnic or Government Junior Technical Schools in any subject, such number of posts as determined as surplus may be shifted to any other College within the same Zone where the workload is sufficient, for shifting of posts, by the competent authority.

Provided that if a Government Engineering College or Government Polytechnic or Government Junior Technical Schools with sufficient workload in that subject is not available in the same Zone, such number of posts in that subject shall be shifted to any, as far as possible in neighbouring or nearby Government Engineering College or Government Polytechnic or Government Junior Technical Schools having sufficient workload in any other Zone by the Competent Authority.

Provided further that, if a staff is shifted along with the post, the place and Zone of earlier regular posting before shifting shall be considered for determining minimum length of service for transfer under Rule 4 and for preparing priority list under Rule 5.

(2) The process of shifting posts as per sub rule (1) shall be completed prior to undertaking transfer process as per Rule 4, 5, 6 & 7 and within the transfer period as prescribed in Rule 8.

4. Transfer of teaching staff by counselling in the interest of public service or on request: - (1). The teaching staff completing minimum length of service at the place of regular posting shall be compulsorily transferred in the interest of public service through a process of counselling subject to restrictions imposed in sub rule (3). The minimum length of service to be completed at the place of present regular posting for the purpose of transfer shall be four years.

(2). The teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub rule (3) may request for transfer through counselling after completion of minimum length of service at the place of present regular posting as stipulated in sub-rule (1) subject to restrictions imposed in sub-rule (3). For this purpose, the teaching staff shall apply from any one of the categories of 2, 3, 4 or 5 as specified in sub rule (3), but not more than one.

(3). Restriction on transfer – The total number of transfers through counselling shall not exceed fifteenpercent of the sanctioned strength of the teaching staff. Out of 15% of the total number of transfers, ninepercent shall be earmarked for compulsorytransfers in the interest of public service through counselling and remaining six percent shall be earmarked for transfers on request, as specified in table below, on completion of minimum length of service as specified in sub-rule (1):-

Sl. No.	Category	Percentage of transfers
1.	Compulsorytransfers in the interest of public service	9 %
2.	Spouse cases	3 %
3.	Cases of Widow or Single parent with children below 12 years or womendivorceewho has not re-married orthe teaching staff having physically dependent spouse and children who has suffered benchmark disability while serving in IndianArmed forces or Paramilitary forces.	1 %
4.	Cases of person with benchmark disabilities	1 %
5.	Serious ailment cases	1 %
Total		15 %

(4). Exceptions to transfers. - (a) The minimum length of service as prescribed in sub-rule (1) shall be reduced by one year, if the concerned teaching staff so desires and shall be availed only once in the total span of service

Provided that, where a teaching staff has a spouse or children who is a person with benchmark disability or who is suffering from serious ailment, for which medical treatment is not available at the place of work of teaching staff and the transfer of teaching staff is necessary to a place where such treatment is available, subject to provisions in these Rules.

Provided further that, no transfer shall be considered under this clause unless the concerned teaching staff produces a Certificate from the District Medical Board specifying the nature of ailment, stating the fact that the required treatment is not available at his place of work and also specifying the place where the required treatment is available and certifying that his transfer is necessary to such a place to provide him the required medical treatment.

(b). A teaching staff who have completed minimum length of service as prescribed in sub-rule (1), shall be subject to following exemptions from transfer which shall be availed only once in the total span of service, in the following cases namely: -

(i) A teaching staff who has less than two years of service for superannuation shall not be transferred, if the teaching staff so desires.

(ii) A teaching staff who is undertaking a major project sanctioned by the AICTE, TEQUIP and any other Government body or any Statutory Agency for a specific period shall not be transferred for a period of two years or till the completion of project, from the date of completion of minimum length of service as prescribed in sub-rule (1). In order to claim said exemption, the concerned teaching staff shall provide details of major project undertaken in proforma specified prescribed by the competent authority.

(iii) A teaching staff, who is a research guide and has students undertaking Ph.D. or M.Phil. research work under him, in a Government Engineering College with research centre shall not be transferred for two years from the date of completion of minimum length of service as specified in sub-rule (1) or till completion of Ph.D or M.Phil whichever is earlier.

(iv) A teaching staff who is serving as a NCC Officer in Government Engineering and Government Polytechnic Colleges shall not be transferred for two years from the date of completion of minimum length of service as prescribed in sub-rule (1).

(v) A teaching staff who is central office bearer of the Karnataka Government College Teachers Association and has completed minimum length of service as prescribed in sub-rule (1) shall not be transferred till the completion of the term of the concerned office bearer.

(5). The transfer by counselling shall be done in the following order: (a) The teaching staff working in Zone-B, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any college displayed in any zone except the present place of posting.

(b) The teaching staff working in Zone-C, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any College displayed in any Zone except the present place of posting.

(c) The teaching staff working in Zone-D, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any College displayed in any Zone except the present place of posting.

(d) The teaching staff working in Zone-A, as per the priority list prepared under Rule 5 in the descending order of seniority, shall be allowed to select any College displayed in any Zone except present place of posting.

5. Preparation of priority lists – (a) The priority lists of the teaching staff who have completed minimum length of service as prescribed in sub-rule (1) of Rule 4 and a separate list of teaching staff who have requested for transfer under sub-rule (2) of Rule 4 and of those teaching staff desiring to avail relaxation (reduction) of minimum service under clause (a) of sub-rule (4) of Rule 4 at the place of present regular posting shall be prepared after calling application by the competent authority zone wise and category wise as given in the schedule, based on the total number of years of actual working in the entire service in the Zone of present regular posting.

(b) Within each Zone, priority lists shall be prepared individually for each category given in sub-Rule 3 of Rule 4 and transfer from each Zone shall be done in the following order of priority:

- (i) Case of persons with benchmark disabilities;
- (ii) Serious ailments cases;
- (iii) Cases of Widow or Single parent with children below 12 years or women divorcee who has not re-married or the teaching staff having physically dependent spouse and children who has suffered benchmark disability while serving in Indian Armed forces or Paramilitary forces.
- (iv) Spouse cases;
- (v) Compulsory transfers in the interest of public service;

(c) If the number of years served is equal, the seniority based on the last operated gradation list shall be considered and the senior shall have precedence in the counselling.

(d) The Competent Authority shall prepare a provisional priority list as per procedure enumerated above and notify the same for submission of objections within a period of fifteen days of notification on the Technical Education Department website. On receipt of objections from teaching staff, they may be considered or rejected on the basis of its validity and the final priority list shall be published.

6. Procedure for conducting counselling – (1) Before initiation of counselling procedure, the subject-wise posts sanctioned, subject-wise workload, working strength and vacant posts and other details shall be submitted by all Principals in the proforma specified by the Competent Authority through online information system.

(2) The posts of teaching staff to be filled by counselling by compulsory transfer in the interest of public service shall be notified by Competent Authority based on the availability of vacancies and sufficient workload and academic requirement and clause (d) of Rule 5.

(3) Application for transfer on request by the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4 shall be submitted within the date and in proforma specified by the Competent Authority.

(4) The applications received within the last date shall be scrutinised and if the information furnished in transfer application is found to be incorrect it shall be treated as misconduct and suitable disciplinary action shall be taken against the applicant as per The Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and The Karnataka Civil Services (Conduct) Rules 1966.

(5) The teaching staff or applicant on receipt of the instructions from the Competent Authority the teaching staff shall appear for counselling and select any of the posts displayed within the allotted time under sub-rule (5) of Rule 4. In the event of the teaching staff or applicant, who is scheduled to appear for counselling on request, does not appear for counselling or appears and fails to select a place within the stipulated time, he shall be deemed to be continued in the existing working place, unless otherwise, he is transferred compulsorily in the interest of public service by counselling.

Provided that, if, in the event of the teaching staff, who is scheduled to appear for counselling for compulsory transfer in the interest of public service, does not appear for counselling or appears and fails to select a place within the stipulated time, then the Competent Authority is empowered to transfer and post the said staff against the displayed vacancy at the end of the counselling for compulsory transfer in public interest.

Provided further that, if, the teaching staff does not report to duty at the place of posting by transfer, it shall be treated as misconduct and the said staff shall be liable for suitable disciplinary action under Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.

(6) The posts of teaching staff displayed as notified in sub Rule (2) of Rule 6 to be filled by counselling shall include the vacancies that will be created by compulsory transfer of teaching staff who have completed minimum length of service as specified in sub-rule (1) of Rule 4 and within limits prescribed in sub-rule (3) of Rule 4 by counselling. Against these notified and displayed

posts, teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub rule (3) of Rule 4 shall be allowed to select the displayed posts by counselling. If the said teaching staff opts to continue in the existing working place he shall be continued unless otherwise, he is compulsorily transferred in the interest of public service by counselling. Further, on selection of displayed post by a teaching staff in a Government Engineering College or Government Polytechnic College or Government Junior Technical Schools by counselling, the said post shall be removed from list of displayed posts for further counselling.

(7) After completion of first round of counselling for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4, the posts of teaching staff to be filled by further counselling shall be notified and displayed by the Competent Authority taking into consideration the vacancies created in first round of counselling and based on availability of sufficient workload and academic requirement. The second round of counselling shall then be conducted for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4.

(8) After completion of second round of counselling for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4, the posts of teaching staff to be filled by further counselling shall be notified and displayed by the Competent Authority based on the vacancies created in the first two rounds of counselling and based on the availability of sufficient workload and academic requirement. Thereafter, the counselling for teaching staff to be compulsorily transferred in the interest of public service shall be held. Further, on selection of displayed post by a teaching staff in a Government Engineering or Government Polytechnics or Government Junior Technical Schools by counselling, the said post shall be removed from the list of displayed posts for further counselling.

7. Issuance of Orders. - The Competent Authority shall issue transfer orders made on the request and in the interest of public service to the teaching staff against the post selected or allotted by the Competent Authority in counselling. The copies of transfer order shall be uploaded in the Department of Technical Education website also.

8.Transfer period. -All transfers whether made in the interest of public service or on request may be done between the month of May and July in a calendar year or as notified by the Government.

Provided that the above transfer period shall not apply to cases coming under rules 9, 10, and 12.

9.Procedure for initial appointment by counselling.-

(1) The teaching staff on initial appointment shall be allowed to select any displayed post in Zone-D based on seniority in the selection list. However, in case of persons with benchmark disabilities, they shall be given preference in counselling based on inter-se seniority among persons with benchmark disabilities.

Provided that above condition shall not be applicable to the cadre where there is no sanctioned post in Zone-D and in such cases initial posting shall be given to Zone-C. If there is no sanctioned post in Zone-C, then in such cases initial posting shall be given to Zone-B. If there is no sanctioned post in Zone-B, then in such cases initial posting shall be given to Zone-A.

(2) If no vacancy is available for initial appointment in Zone-D, required number of vacancies may be created by transferring teaching staff as per Rules 4,5,6 and 7, subject to following provisions and in that order;

(a) In order to create required number of vacancies in Zone-D, the teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 will be considered. If no such eligible teaching staff is available, the teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-D shall be allowed to select any displayed post in Zone-C.

(b) If no vacancies are available in Zone-C to accommodate teaching staff transferred from Zone-D, then teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 will be considered. If no such eligible teaching staff is available who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-C shall be allowed to select any displayed post in Zone-B.

(c) If no vacancies are available in Zone-B to accommodate teaching staff transferred from Zone-C, then teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 will be considered. If no such eligible teaching staff is available, who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-B shall be allowed to select any displayed post in Zone-A.

10. Regulation of transfers in disciplinary cases - 1) Any teaching staff, who is working in Zone-A or Zone-B or Zone-C, against whom disciplinary action is initiated as per the Karnataka Civil Services (Classification Control and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966 and is undergoing any penalty imposed under the said Rules or who is facing any criminal charges in court of law may be transferred to Zone-D.

2) If no vacancy is in Zone-D, a vacancy may be created by transfer of a teaching staff who has completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 and if no such eligible teaching staff is available, then teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-D may be considered for transfer. The process of transfer shall be done as per Rules 5, 6 and 7;

Provided that, the teaching staff who shall be transferred from Zone-D shall be allowed to select any displayed post in Zone-C.

Provided further that, if, such teaching staff is working in Zone-D, he/she may be transferred from the place where he/she is working to another place in the same zone, but he/she shall not be transferred outside Zone-D till the completion of such disciplinary proceedings, criminal proceeding or penalty as the case may be.

11. Powers of Competent Authority.- Notwithstanding anything contained in these Rules, any teaching staff may be transferred to any place in Zone-D by the Competent Authority:-

- (i) On the basis of prima facie findings of misconduct or misbehaviour or financial irregularities or any other act of indiscipline; or
- (ii) On the basis of complaints and prima facie findings of misconduct or misbehaviour or financial irregularities or any other act of indiscipline.

12. Article 371J. -All guidelines issued by Government of Karnataka with respect to implementation of Article 371J shall be followed.

SCHEDULE

(See clause (l) of sub rule (1) of rule 2)

SL. NO.	DESIGNATIONS OF THE TEACHING STAFF OF THE DEPARTMENT OF TECHNICAL EDUCATION.
1	Category-1 includes all the following designations in Government Engineering College <ul style="list-style-type: none">(i) Senior Professor(ii) Professor(iii) Associate Professor(iv) Assistant Professor (Grade-III)(v) Assistant Professor (Grade-II)(vi) Assistant Professor (Grade-I)
2	Category-2 includes all the following designations in Government Engineering College <ul style="list-style-type: none">(i) Chief Librarian / Deputy Librarian / Assistant Librarian / College Librarian(ii) Assistant Librarian (Sr. Scale)/ College Librarian (Sr. Scale).(iii) Deputy Librarian / Assistant Librarian (Sl. Scale)/ College Librarian (Sl. Scale).(iv) Chief Librarian / Deputy Librarian / Assistant Librarian (Sl. Scale)/ College Librarian (Sl. Scale).
3	Category-3 includes all the following designations in Government Engineering College <ul style="list-style-type: none">(i) Deputy Director of Physical Education & Sports/ Assistant Director of Physical Education & Sports (Sl. Scale)/ College Director of Physical Education & Sports (Sl. Scale) (AGP-9000)(ii) Deputy Director of Physical Education & Sports/ Assistant Director of Physical Education & Sports (Sl. Scale)/ College Director of Physical Education & Sports (Sl. Scale) (AGP-8000)(iii) Assistant Director of Physical Education & Sports (Sr. Scale)/ College Director of Physical Education & Sports (Sr. Scale)(iv) Assistant Director of Physical Education & Sports/ College Director of Physical Education & Sports.

4	Category-4 includes all the following designations in Government Polytechnic (i) Head of Department (ii) Lecturer (Selection Grade –II) (iii) Lecturer (Selection Grade –I) (iv) Lecturer (Senior Scale) (v) Lecturer (AGP-6000) (vi) Lecturer (AGP-5400) (vii) Technical Assistant/Senior Technical Assistant/Development Officer/ Research Officer/Programmer
5	Category-5 includes all the following designations in Government Junior Technical Schools (i) Lecturer (ii) Assistant Lecturer

By Order and in the name of the
Governor of Karnataka,

(M.G. VENKATESHAIAH)
Under Secretary to Government,
Higher Education Department
(Technical Education)